



## *INSURANCE AND REAL ESTATE COMMITTEE*

March 10, 2016

My name is Scott Shanley. I am the General Manager for the town of Manchester and appreciate the opportunity to testify on behalf of the Connecticut Conference of Municipalities (CCM) in opposition to SB 367, "An Act Concerning Severe Mental and Emotional Impairment and Workers' Compensation Coverage."

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 96% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

SB 367 would, among other things, mandate full wage replacement workers' compensation benefits for all state and local police officers diagnosed with a mental or emotional impairment as the result of "...visually witnessing the death, or visually witnessing the immediate aftermath of such death, of one or more human beings, whose death was caused by an act of another human being, and which is not the result of some natural cause, provided such death is not the result of a motor vehicle collision and the visual witnessing of such death, or the visual witnessing of the aftermath of such death, was causally connected with the police officer's employment."

CCM acknowledges the important role public safety personnel have in our communities. We are grateful for the commitment they have made to protect and serve all of Connecticut's residents. However, **Towns and cities cannot afford to pay these benefits without the help of the State.** Depending on the circumstances, the cost of an individual "mental-stress" case for either partial disability or a permanent total claim could range from tens of thousands of dollars, to over \$1 million for the duration of the claim.<sup>1</sup> Additionally, once an injury is identified as a work related injury and covered under the workers' compensation system any subsequent injury or impairment which can be causally linked to the initial injury is also covered by workers' compensation. This would result in a wide range of potential per claim costs.

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<sup>1</sup> OFA Fiscal Note, SB 593, 2015

**SB 367 is overly broad and would increase municipal exposure to potential fraud:**

- **It would allow individuals to receive special benefits based on a diagnosis by psychologist (i.e. a counselor or therapist),** based on their witnessing an event or viewing a crime scene hours after an event. SB 367 would mandate these benefits as long as the event was “causally connected with the employee's employment.” An individual would be eligible regardless of whether they were on-duty or off duty, or required to be at the scene.
- **“Visually witnessing” is subject to interpretation** and could mean simply viewing photographs or videos of a crime scene, or of the deceased or injured.
- **The definition of “death” is also subject to interpretation** and could mean someone may not have actually witnessed a person’s last breath but, because an individual died at a later date/time and location (i.e. a hospital) which then could be considered “witnessing a death.”
- **A diagnosis of “mental or emotional impairment,” as proposed in SB 367, is highly subjective** and could overlap with existing symptoms of depression, substance abuse, or other anxiety disorders. SB 367 is also **imprecise as it does not distinguish among the spectrum of mental stress diagnoses.** It would effectively cover all impairments from acute stress disorders, to post-traumatic stress disorders, to longer-term chronic or delayed onset disorders, essentially creating an open-ended eligibility.

**Towns and cities already offer health insurance, disability leave and Employee Assistance Programs (EAPs) to employees suffering from mental or emotional impairments**

- These existing benefits provide employees access to counseling, therapy and other essential services to assist them and their families during difficult periods.
- Municipalities have also provided benefits above and beyond contractual obligations in response to the most horrific circumstances.
- Police officers already have mandated coverage for mental or emotional impairments for instances in which they use deadly force or are subjected to deadly force.
- Fire fighters already have mandated coverage for mental or emotional impairments for instances in which they witness the death of another firefighter while on-duty.

SB 367 would create a “slippery-slope” toward more mandated benefits for additional employees that Connecticut towns and cities cannot afford to pay these benefits without the help of the State. It is critical that options outside of the workers’ compensation system are considered that would ensure the intent of SB 367 is upheld in a sustainable and equitable way. **The issue of determining how to assist state and local employees who are affected by certain, tragic events must be solved with a statewide solution.**

Lawmakers should therefore, consider some of the following approaches:

- Dedicate a percentage of the State’s Rainy Day Fund to support the Sandy Hook Workers' Assistance Fund which was created three years ago in Special Act 13-1;
- Amend the eligibility of the Fund and the deadlines to access the Fund by making it a permanent statewide resource that could be modeled after the Second Injury Fund,

- Examine establishing a structure similar to Massachusetts' "Victims of Violent Crime Compensation Fund" which could be administered by the State; or
- Convene a working group to better vet these, and other statewide approaches, of which CCM would be eager to participate.

CCM urges the Committee to **take no action on SB 367.**

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If you have any questions, please contact Daniel C. Giungi, Senior Legislative Associate for CCM, at [dgiungi@ccm-ct.org](mailto:dgiungi@ccm-ct.org) or (203) 498-3023.